

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALAN REID, *pro se*,

Plaintiff,

-against-

SUPERINTENDENT MR. THOMAS
LAVALLEY,

Defendant.

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DORA L. IRIZARRY, United States District Judge:

Plaintiff Alan Reid, currently incarcerated at Clinton Correctional Facility, brings this *pro se* complaint pursuant to 42 U.S.C. § 1983. Plaintiff alleges that on January 4, 2013, he was attacked by a fellow inmate at Clinton Correctional Facility and sustained a cut on his cheek. (Compl. at ¶ II.) Plaintiff states that following the attack, he was informed that he would be transferred to another correctional facility, and to date, the transfer has not occurred. (*Id.*)

Under 28 U.S.C. § 1391, a civil rights action may be brought in:

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b).

Since the events or omissions giving rise to plaintiff's claim occurred at Clinton Correctional Facility, located in Dannemora, New York, in Clinton County, the Clerk of Court is hereby directed to transfer this action to the United States District Court for the Northern District of New York. 28 U.S.C. §§ 1391(b); 1406(a).

No summons shall issue from this Court. A ruling on petitioner's application to proceed *in forma pauperis* is reserved for the transferee Court. The Court notes that plaintiff failed to file a Prison Litigation Reform Act authorization form. That provision of Rule 83.1 of the Local Rules of the Eastern District of New York which requires a seven-day delay is waived. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for purposes of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
June 21, 2013

/s/
DORA L. IRIZARRY
United States District Judge